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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CHRISTOPHER GARZA,

Plaintiff,

vs.

CITY OF SALEM, an Oregon municipal
corporation; and OFFICER DAVID BAKER,
an individual,

Defendants.

Case No. 3:22-cv-00721-HZ

PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION TO TRANSFER
VENUE

Plaintiff objects to the motion to transfer venue as untimely.

Both defendants filed an Answer to the Complaint on July 18, 2022 roughly a year ago, in which they did not raise any objection to venue. Neither did the defendants raise the venue issue in any other way until an email to plaintiff's counsel a few weeks ago.

"A defendant must object to venue by motion or in his answer to the complaint or else his objection is waived." *Reebok Int'l. Ltd. v. TRB Acquisitions LLC* (2017 WL 3016034, USDC-

OR). “In fact, most jurisdictional objections – such as defects in personal jurisdiction, venue or service of process – are waived unless asserted early in the litigation.” *City of South Pasadena v. Mineta*, 284 F3d 1154, 1156 (2002) (citing FRCP 12(H)(1)).¹

Defendants waived their objections to venue a long time ago. Trial is in a little over three months from today. The motion should be denied.

DATED this 27th day of July, 2023.

KAFOURY & MCDOUGAL

/s/ Jason Kafoury

Jason Kafoury OSB# 091200
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Of Attorneys for Plaintiff

¹ Citations to numerous other cases holding the same have been omitted for the sake of brevity.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO TRANSFER VENUE** on the defendant(s) on the date indicated below by the following method:

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☒ email

to said person(s) a true copy thereof, addressed to said persons at their last known address(es) and facsimile number(s) as follows:

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Attorneys for Defendants

Dated this 27th day of July, 2023.

KAFOURY & MCDOUGAL

/s/ Jason Kafoury

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Of Attorneys for Plaintiff